



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/225,245 01/04/99 TOMOE

N 1137-761

ROTHWELL FIGG ERNST & KURZ  
555 13TH STREET NW  
WASHINGTON DC 20004

WM02/1106

EXAMINER

VO,N

ART UNIT

PAPER NUMBER

2682

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

**MAILED**

**NOV 06 2001**

**Technology Center 2600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 11

Application Number: 09/225,245  
Filing Date: January 04, 1999  
Appellant(s): TOMOE, NAOHITO

---

Vincent M. DeLuca  
For Appellant

**EXAMINER'S ANSWER**

This is in response to appellant's brief on appeal filed 10/16/2001.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-2, 12-13 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,603,093                      YOSHIMI ET AL.                      02-1997

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimi (5,603,093). This rejection is set forth in prior Office Action, Paper No. 5, mailed on 03/14/2001, pages 2-3, paragraph No. 3.

**(11) Response to Argument**

Appellant argues that the examiner cannot rely on the conventional system disclosed at column 1 lines 60-67 and column 2 lines 1-12 of Yoshimi, because Yoshimi teaches away from the conventional system. The examiner, however, disagrees. The examiner takes position that column 1 lines 60-67 and column 2 lines 1-12 of Yoshimi is used as an evidence that there exists a conventional system which stops transmission of radio signal for the purpose of detecting an interference signal (see "it is general practice in the prior art..." at column 2 lines 1-3). It is used to substitute for any publication that discloses the above conventional system. In his rejection, the examiner never relies on Yoshimi's own invention.

Appellant further argues that claim 1 does recite detecting interference waves on the downlink channel from the base station to the mobile station, because the claim sets forth controlling means for causing the transmitting means to stop transmitting the radio signal and to enable the receiving means to receive the interference wave signal. The examiner, however, disagrees. Claim 1 only recites detecting interference wave signal, not interference wave signal on downlink channel from the base station to the mobile station. The same discussion is applied to claims 2, 12-13. However, for the sake of argument, even if claims 1-2, 12-13 recite the claimed limitation of detecting interference waves on the downlink channel from the base station to the mobile station

Art Unit: 2682

as alleged by appellant, this limitation is disclosed by Yoshimi, column 1 lines 60-67 and column 2 lines 1-12, which teaches detecting interference wave transmitted on downlink channel from other base stations to the mobile station.

For the above reasons, it is believed that the rejections should be sustained.

Appeal Conference was conducted on 11/01/2001 with examiners Vivian Chang and Doris To.


Respectfully submitted,



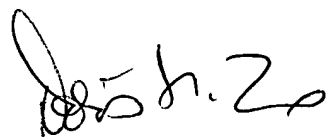
**NGUYEN T. VO**  
**PRIMARY EXAMINER**

Nguyen Vo  
November 2, 2001

ROTHWELL FIGG ERNST & KURZ  
555 13TH STREET NW  
WASHINGTON, DC 20004



**VIVIAN CHANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**



**DORIS H. TO**  
**PRIMARY EXAMINER**